

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)
CRIMINAL NO. 1:08-CR-385

2009 APR 30 A 10:34

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Under Seal

1:08 CR 385

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

EZENWA ONYEDEBELU,

Defendant.

DEFENDANT, EZENWA ONYEDEBELU'S,
SEALED MEMORANDUM, RE: GOVERNMENT'S MOTION TO REDUCE SENTENCE

The Defendant, EZENWA ONYEDEBELU, by and through his undersigned counsel, submits this Sealed Memorandum, Re: Sealed Government's Motion to Reduce Sentence,¹ and states as follows:

1. On February 27, 2009, the Defendant was sentenced to thirty-seven (37) months upon his guilty plea of November 20, 2008, to the charge of conspiracy to commit bank fraud in violation of Title 18, United States Code, Section 1349.

2. The Government in their Sealed Government's Motion to Reduce Sentence, outlines the substantial cooperation of the Defendant with regard to the apprehension of DONALD OKORO; the Government's efforts to apprehend TOBECHI ONWUHARA, and his testimony at the trial of a co-conspirator, HENRY OBILO, as well as other assistance rendered by the Defendant.

¹ The within abbreviated Memo is submitted on short notice inasmuch as the undersigned counsel only received the Government's Sealed Motion to Reduce Sentence the evening of Monday, April 27, 2009. Counsel reserves the right to supplement this memo at the hearing on the Government's Sealed Motion to Reduce Sentence.

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3. Although, the Government does present a fair description of the Defendant's substantial assistance, there are certain points that should supplement those mentioned by the Government.

4. First, the fact that it took some months after the Defendant's arrest for him to get completely on-board in his new role as a cooperating individual should not be held against him, since many individuals take time to develop their cooperating sea-legs after their arrest. As is born out in the Government's motion, subsequent to entering his plea, his cooperation became rather extraordinary.

Second, with regard to the information that the Defendant provided regarding two parties that co-defendant, Donald Okoro, would be attending, the Defendant made numerous telephone calls; engaged in internet research, and partook in numerous other avenues of communication to determine when and where Donald Okoro would appear. The fact that government agents had some difficulty in coordinating their manpower, so as to apprehend Okoro at that time is no fault of the Defendant. As the Government points out, ultimately the Defendant did provide additional information that assisted the Government in the apprehension of Okoro.

Third, as noted in the Government's motion, the Defendant did in-fact provide significant information regarding telephone calls in a historical sense as well as current telephone calls with TOBECHI ONWUHARA, who is clearly the center of the Government's investigation. As a result of the information and other information gathered by the agents, a telephone used by ONWUHARA was identified as well as his present geographical location was determined. Again, the fact that the Government is

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having difficulty apprehending ONWUHARA due to international issues is not the fault of this Defendant.

Fourth, additionally as noted in the Government's motion, the Defendant has recently testified, and was a "key witness," in the trial of co-conspirator, HENRY OBILO. His testimony was of great value to the Government inasmuch as he had personal knowledge of the agreement and payments between OBILO and ONWUHARA. The Defendant spent a considerable number of hours in preparation for his testimony at the trial. Ultimately, the jury returned a verdict of guilty as to the charge of conspiracy to commit bank fraud.

Fifth, as this Memorandum is being prepared, (1) the Defendant is testifying before the Grand Jury in Virginia regarding other aspects of the criminal scheme and other co-conspirators involved therein; (2) Defendant has been advised that there is an Indictment being prepared in San Antonio, Texas, regarding wire transfers that were part of a conspiracy of which TOBECHI ONWUHARA was the principal conspirator with other participants, based in-part upon significant information furnished to the Government by the Defendant; (3) there is a United States Postal Inspector's investigation in Dallas, Texas, that concerns TOBECHI ONWUHARA with other conspirators, based in-part upon significant information furnished to the Government by the Defendant; and (4) there is an investigation under way in New York concerning yet another TOBECHI ONWUHARA conspiracy that includes various other participants, based in-part upon significant information furnished to the Government by the Defendant.

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With regard to all of these investigations and prosecutions, it is anticipated that the Defendant will be required to testify.

As can be seen, the Defendant is not only cooperating in this district, but continues to cooperate in other districts with other agents and law enforcement agencies as well.

5. The Defendant has kept a diary of his activities as a cooperating individual and is willing to exhibit said diary to this Honorable Court at the hearing to be held upon the Government's Motion for Reduction of Sentence. Included in said diary are notations reflecting his numerous assistance activities as well as communications between law enforcement agents of the United States and himself.

6. Lastly, it is appropriate to quote the highly descriptive language of the Government to appreciate the basis and full essence of the Defendant's knowledge upon which he furnished this extensive assistance to the Government. *"As a trusted associate of ONWUHARA, the Defendant was in the center of the goings-on in the conspiracy. As a result, he saw and heard a great deal about who was involved and what they were doing. The Defendant has been able to corroborate a great deal of information provided by others as well as provide leads on several individuals who appear to be continuing to communicate with ONWUHARA and run this scheme."*

7. In the backdrop of the Defendant's substantial cooperation, one should not lose sight of the fact that since his release, the Defendant, who is now twenty-one (21) years of age, has been living at home with his family; has re-enrolled in college (presently attends Brookhaven College in Dallas), and has now completed in excess of two (2) semesters and a summer session, and is now taking a full course-load.

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8. It is respectfully submitted, that whatever the Defendant's sentence ultimately is determined to be, it should not be so onerous as to severally interrupt the admirable course that his life is presently set upon.

CONCLUSION

Although the Government's recommendation calls for a reduction of 40% resulting in a total sentence of twenty-two (22) months, it is respectfully requested by counsel for Defendant, **EZENWA ONYEDEBELU**, that his sentence be reduced by 60% for a total sentence of fifteen (15) months.

It is respectfully submitted, that a reduction to fifteen (15) months will adequately and appropriately take into consideration the extensive assistance already rendered by this Defendant as well as the substantial assistance to be rendered in the future.

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EZENWA ONYEDEBELU

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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2009, I filed the foregoing document with the Clerk of the Court, which will then send a notification of such filing to the following:

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